



December 13, 2019

BY ELECTRONIC MAIL: FOIArequest@state.gov

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite 12A40A
Washington, D.C. 20522-8100

Re: Freedom of Information Act Request

Dear FOIA officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. State Department regulations.

Specifically, CREW requests:

- (1) any communications from June 1, 2019 to September 31, 2019 regarding an August 2019 meeting in Mongolia between Donald Trump Jr. and Mongolian President Khaltmaagiin Battulga, including any communications mentioning Kevin Small.
- (2) any records from June 1, 2019 to September 31, 2019 between State Department officials and Jandos Kontorbai Ahat regarding the arrangement of Donald Trump Jr.’s Summer 2019 hunting trip in Mongolia, including any communications mentioning Kevin Small.
- (3) any records of communications from the United States Embassy in Mongolia from June 1, 2019 to September 31, 2019 regarding Donald Trump Jr.’s Summer 2019 hunting trip in Mongolia, including all records created by, including or mentioning Defense Attaché Philip Luu.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc’ed or bcc’ed.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and DOI regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On December 11, 2019 *ProPublica* reported that President Trump's son, Donald Trump Jr., took a trip to Mongolia to hunt an endangered species of argali sheep.¹ After the trip, Trump Jr. met privately with the country's president, Khaltmaagiin Battulga, according to Khuantai Khafezyn, a local government official in the region where Trump Jr. hunted the argali and a former government official with knowledge of the meeting.² Trump Jr. also retroactively received a highly political and difficult to obtain hunting permit.³ The hunting trip was arranged by Jandos Kontorbai Ahat, a member of the Mongolian president's political party.⁴ Ahat said the embassy's defense attache accompanied the hunting party on the trip.⁵ Don Jr. was apparently joined by Kevin Small,⁶ CEO of KS Industries LP, an oil and gas company.⁷ Small spent over \$95,000 in political contributions to Republicans leading up to the trip.⁸ Trump Jr.'s trip followed

¹ Pearson, Jake and Anand Tumurogoo. "Donald Trump Jr. Went to Mongolia, Got Special Treatment From the Government and Killed an Endangered Sheep." *ProPublica*. December 11, 2019. <https://www.propublica.org/article/trump-inc-podcast-donald-trump-jr-went-to-mongolia-got-special-treatment-from-the-government-and-killed-an-endangered-sheep>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ "KSI Homepage." December 13, 2019. <http://www.ksilp.com/>

⁸ Pearson, Jake and Anand Tumurogoo. "Donald Trump Jr. Went to Mongolia, Got Special Treatment From the Government and Killed an Endangered Sheep." *ProPublica*. December 11, 2019. <https://www.propublica.org/article/trump-inc-podcast-donald-trump-jr-went-to-mongolia-got-special-treatment-from-the-government-and-killed-an-endangered-sheep>

a White House meeting between United States and Mongolian officials, and a visit to Mar-a-Lago by the Mongolian ambassador and foreign minister.⁹

Reports of Trump Jr.'s Mongolian hunting trip clearly blur the line between pleasure and politics. Trump Jr. has also blurred the line between Trump Organization business and politics in the past.¹⁰ Given the multiple Mongolian officials and political figures involved, and the current discussions taking place between Mongolia and the United States, the public deserves to know whether Mongolia attempted to curry favor with a member of the President's family, or if Trump Jr. interacted with Mongolian officials, or the Mongolian president, on a political level.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts all documents it receives under the FOIA its website, www.citizensforethics.org, and those documents have been visited hundreds of thousands of times.

⁹ Stapleton, Christine. "EXCLUSIVE: Mongolian ambassador visited Mar-a-Lago before Trump Jr. got coveted permit to hunt rare sheep." *The Herald-Tribune*. December 12, 2019. <https://www.heraldtribune.com/zz/news/20191212/exclusive-mongolian-ambassador-visited-mar-a-lago-before-trump-jr-got-coveted-permit-to-hunt-rare-sheep?rssfeed=true>

¹⁰ Jacobs, Rebecca. "Don Jr. Promoted Trump-Brand Resorts at Event with Indonesian Officials." *Citizens for Responsibility and Ethics in Washington*. August 16, 2019. <https://www.citizensforethics.org/don-jr-promoted-trump-brand-indonesian-officials/>

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or lwhite@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to lwhite@citizensforethics.org or Lauren White, Citizens for Responsibility and Ethics in Washington, 1101 K St, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

Lauren White